

# HOUSE BILL 1354

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EMERGENCY BILL

11r3133  
CF 11r3135

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By: **Delegate Cane**

Rules suspended

Introduced and read first time: March 21, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 29, 2011

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 4, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Environment – Construction of Wells**

3 FOR the purpose of requiring the Department of the Environment to take certain  
4 actions before proposing to adopt or make changes to certain regulations and  
5 ~~statutes~~ laws governing the construction of wells; prohibiting the Department  
6 from proposing to adopt certain changes to certain regulations and laws  
7 governing the construction of wells unless the State Board of Well Drillers  
8 approves the changes; providing a certain exception; making a stylistic change;  
9 making this Act an emergency measure; and generally relating to the authority  
10 of the Department of the Environment to regulate the construction of wells.

11 BY repealing and reenacting, with amendments,  
12 Article – Environment  
13 Section 9–1305  
14 Annotated Code of Maryland  
15 (2007 Replacement Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

### 18 **Article – Environment**

19 9–1305.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) The Department shall adopt [rules and] regulations for the construction  
2 of wells.

3 (b) The [rules and] regulations may recognize a variation:

4 (1) In the primary use or construction of wells; and

5 (2) Of the materials penetrated in different localities.

6 (c) (1) [Before] ~~EXCEPT AS PROVIDED IN SUBJECT TO PARAGRAPH~~  
7 ~~(2) OF THIS SUBSECTION, BEFORE~~ the Department [adopts] ~~PROPOSES TO ADOPT~~  
8 any ~~CHANGE TO THE PROVISIONS OF THIS SUBTITLE OR TO A~~ [rule or] regulation  
9 that relates to the construction of wells ~~THROUGH THE LEGISLATIVE OR~~  
10 ~~REGULATORY PROCESS, the Department shall [submit]:~~

11 (i) ~~SUBMIT~~ the [proposed rule or regulation] ~~CHANGE~~ to ~~THE~~  
12 ~~FOLLOWING PARTIES FOR COMMENT:~~

13 1. [the] ~~THE~~ Board [for comment];

14 2. ~~AN INDUSTRY ASSOCIATION REPRESENTING~~  
15 ~~WATER WELL DRILLING COMPANIES IN THE STATE~~ THE MARYLAND DELAWARE  
16 WATER WELL ASSOCIATION; AND

17 3. ~~EACH COUNTY BOARD OF HEALTH DELEGATED BY~~  
18 ~~THE DEPARTMENT TO IMPLEMENT A WELL INSPECTION PROGRAM;~~

19 (ii) ~~IN CONSULTATION WITH THE BOARD, CONDUCT A~~  
20 ~~PUBLIC MEETING ON THE CHANGE;~~

21 (iii) ~~PUBLISH A SUMMARY OF THE COMMENTS RECEIVED BY~~  
22 ~~THE DEPARTMENT UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH ON THE~~  
23 ~~DEPARTMENT'S WEB SITE; AND~~

24 (iv) ~~REVIEW THE RECOMMENDATION OF THE BOARD~~  
25 ~~RELATING TO THE ADOPTION, REJECTION, OR MODIFICATION OF THE CHANGE.~~

26 ~~(2) IF, ON OR BEFORE 60 DAYS AFTER THE DEPARTMENT~~  
27 ~~PUBLISHES A SUMMARY OF COMMENTS ON THE DEPARTMENT'S WEB SITE~~  
28 ~~UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE BOARD DOES NOT MAKE~~  
29 ~~A RECOMMENDATION UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE~~  
30 ~~DEPARTMENT MAY PROPOSE A CHANGE WITHOUT REVIEWING THE~~  
31 ~~RECOMMENDATION OF THE BOARD.~~

1                   **(2) THE DEPARTMENT MAY NOT PROPOSE TO ADOPT A CHANGE**  
 2 **TO THE PROVISIONS OF THIS SUBTITLE OR TO A REGULATION THAT RELATES TO**  
 3 **THE CONSTRUCTION OF WELLS THROUGH THE LEGISLATIVE OR REGULATORY**  
 4 **PROCESS UNLESS THE BOARD APPROVES THE CHANGE.**

5           (d) Notwithstanding any provisions to the contrary, a county board of health,  
 6 delegated by the Department [of the Environment] to implement a well inspection  
 7 program, may collect a fee for the issuance of well permits required under § 9–1306 of  
 8 this subtitle. However, a county health department may not collect a fee for test or  
 9 irrigation wells.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
 11 measure, is necessary for the immediate preservation of the public health or safety,  
 12 has been passed by a yea and nay vote supported by three–fifths of all the members  
 13 elected to each of the two Houses of the General Assembly, and shall take effect from  
 14 the date it is enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.